



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1283-00

27 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 12 June 1958 at the age of 18. Your record reflects that you served for a year and eight months without incident until 8 February 1960 when you were convicted by special court-martial (SPCM) of larceny. You were sentenced to confinement at hard labor for six months, reduction to paygrade E-1, and forfeitures totalling \$300. On 7 November 1960 you received nonjudicial punishment (NJP) for abuse of government property and were awarded restriction for 14 days.

Your record further reflects that on 13 June 1961 you received NJP for disobedience and were awarded extra duty for 14 days. Shortly thereafter, on 29 June 1961, you were convicted by civil authorities of burglary and sentenced to confinement for 30 days and probation for five years. Subsequently, you were processed for an administrative separation by reason of misconduct due to civil conviction. Your commanding officer was directed to issue you an undesirable discharge by reason of misconduct and on 28 July 1961 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded because you have been severely punished for almost 39 years for some bad decisions that you made in your youth. However, the Board concluded these factors were not sufficient to warrant a change in your discharge given your serious misconduct in both the military and civilian communities. Further, no discharge is upgraded merely because of the passage of time. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director